

Resolution Number TC-1832

Scenario F CMAQ Distribution Formula

Transportation Commission of Colorado February 18, 2010

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA), and was continued with the Transportation Equity Act for the 21st Century (TEA-21), and is currently being conducted under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the NAAQS) and attainment/maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, pursuant to Resolution TC-807, approved January 20, 2000, \$1 million of CMAQ money was allocated to the five eligible rural PM10 areas; and the remaining funds were allocated to three eligible MPOs: the Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), and North Front Range Transportation & Air Quality Planning Council (NFRMPO) based on a 50 percent vehicle miles traveled (VMT) and 50 percent population formula; and

WHEREAS, in 2009, the U.S. Environmental Protection Agency (EPA) reported that the five rural PM10 areas, (Aspen/Pitkin County, Canon City, Pagosa Springs, Steamboat Springs/Routt County, and Telluride/Mountain Village) have been in attainment/maintenance since mid 2000, depending on the location; however, recent data shows an upward trend in PM10 levels in some rural PM10 areas; and

WHEREAS, on November 20, 2007, the EPA designated the nine-county Ozone Control Area consisting of the Denver metro area, North Front Range Planning area and portions of the Upper Front Range (UFRTPR) Planning area as Ozone non-attainment; and

WHEREAS, in January 2009, the Federal Highway Administration (FHWA) requested that CDOT revise its CMAQ funds allocation to include the ozone non-attainment areas; and

WHEREAS, in September 2009, Resolution TC-1766 was approved to address distribution of CMAQ funds for FY 2010 and FY 2011 and included \$1 Million of CMAQ funds to be allocated annually to the five eligible rural PM10 areas and the remaining funds to be allocated annually to DRCOG, NFRMPO and to UFRTPR for areas within the ozone non-attainment boundary and to all of PPACG, based on the 50 percent VMT/50 percent population formula.

WHEREAS, also pursuant to Resolution TC-1766, should CDOT receive up to \$5 million annually in additional CMAQ funds for FY 2010 or FY 2011 beyond those estimated in the December 2006 resource allocation, the additional funds will be distributed to the ozone non-attainment areas based on the 50 percent VMT/50 percent population formula; and

WHEREAS EPA is in the process of reviewing the current ozone standard and will establish a new standard between 60 and 70 parts per billion later this year; and

WHEREAS, the new standard may result in new areas becoming ozone non-attainment areas; and

WHEREAS CDOT recognizes the need to transition from the previous allocation system to a system that focuses on non-attainment areas while still preserving designated attainment/maintenance areas;

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for state FY 2012 through FY 2017, CMAQ funds will be allocated in the following manner:

- 80% of the total available CMAQ funds will be allocated to ozone non-attainment areas based on the 50 percent VMT/50 percent population formula and to a reserve calculated to accommodate potential new ozone non-attainment areas. On an annual basis, CDOT will allocate the reserve to those areas that exceed the EPA national ambient air quality standards for ozone.
- 15% of the total available CMAQ funds will be allocated to Carbon Monoxide (CO) non-attainment and attainment /maintenance areas based on a 50 percent VMT/50 percent population formula.
- 5% of the total available CMAQ funds will be allocated to PM10 non-attainment and attainment/maintenance areas. As long as the minimum threshold is met, fifty percent of the PM10 funding amount will be allocated to rural areas and divided equally among recipients and fifty

percent will be allocated to urban areas and divided equally among recipients.

- The minimum threshold of annual funding to an eligible recipient will be \$200,000.
- Population and VMT will be updated annually for the 50 percent VMT/50 percent population formula. CDOT will determine VMT based on roads designated National Highway System (NHS), both “on and off” system. The most current Department of Local Affairs (DOLA) population estimates will be used in the funding formulas.
- The CMAQ funds distribution resulting from this resolution is for planning purposes and initial budget allocations. The actual budget amounts allocated to the recipients will be adjusted so that the dollar amounts distributed reflect actual apportionments from FHWA.

FURTHER, project selection will continue to be at the local level. MPOs, Rural TPRs, and CDOT will work cooperatively to select cost effective projects, including eligible CDOT and transit agency projects that provide meaningful air quality benefits.

FURTHER, CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA. CDOT will continue developing performance measures for the CMAQ program, with input from external stakeholders. If performance measurement of the CMAQ program indicates concern about the effectiveness of the use of CMAQ funds, the Commission reserves the option for reviewing and altering the allocation formula.

FURTHER, this resolution supersedes Resolution TC-807, approved on Jan. 20, 2000 and establishes the allocation formula for CMAQ funds during the years FY 2012 through 2017.